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UNCLAS SECTION 01 OF 02 HANOI 000997

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DEPT PASS TO EAP/MLS; OFM; L/EAP

E.O. 12958: N/A
TAGS: [PREL](#) [PGOV](#) [AMGT](#) [VM](#)
SUBJECT: CONSULAR DISTRICTS: GVN REITERATES ITS CASE

Ref: (A) HANOI 622 and pervious

¶1. (U) Summary: The GVN continues to protest the normal activities of U.S. consular officers based in HCMC, holding that we need prior approval to work in areas in southern Vietnam outside of HCMC itself. The DCM discussed the latest diplomatic note (text below) with the Director General of the MFA Consular Department, gaining additional insights into the history of the issue and the MFA's purported interest in rectifying the situation along the lines desired by the USG. We anticipate discussions leading to the establishment of APP Danang could help move forward on this important issue. In the meantime, we will continue to operate as we always have in southern Vietnam. End Summary.

¶2. (U) On May 17, Embassy received another diplomatic note from the MFA on the subject of consular districts, the latest in a recent exchange.

¶3. (SBU) Begin full text of note:

Ministry of Foreign Affairs
Socialist Republic of Vietnam

No. 0434/CH-LS-QH

The Consular Department of the Ministry of Foreign Affairs of the Socialist Republic of Vietnam presents its compliments to the Embassy of the United States of America in Hanoi and has the honor to reply to the Embassy's diplomatic note #0545/07 dated 05/11/2007 as follows:

The Consular Department would like to reconfirm that:

-- According to the regulations of Vietnam and the agreement between the two sides, the consular district of the Consulate General of the United States of America in Ho Chi Minh City is Ho Chi Minh City, which includes its urban and suburban areas.

-- Regarding the regulations for the operations of the Consulate General of the United States of America in Ho Chi Minh City, these were clearly specified in the diplomatic notes of the Ministry of Foreign Affairs of the Socialist Republic of Vietnam numbered 142/NG-LS dated 05/09/2001 and 035/NG-LS dated 01/30/2007 to foreign diplomatic missions (including the U.S. Embassy) in Vietnam, and 214/CH-NG-LS dated 05/02/2007 to the U.S. Embassy in Vietnam.

The Consular Department of the Ministry of Foreign Affairs of the Socialist Republic of Vietnam avails itself of this opportunity to renew to the Embassy of the United States of America in Hanoi the assurances of its highest consideration.

Hanoi, May 15, 2007

End text.

¶4. (SBU) In a May 17 conversation with the DCM, MFA Consular Department Director General Bui Dinh Dzinh reiterated points raised

in his ministry's note, requesting that U.S. consular officers based in HCMC seek and obtain prior approval for official actions outside HCMC. He reiterated that consular officials operating outside HCMC are "out of district," which allows Vietnam to impose this condition under international law.

¶5. (SBU) According to Dzinh, he and the MFA understand and even sympathize with the U.S. desire to clarify the consular district issue. According to Dzinh, the MFA sought and obtained approval in 2004 from then-Prime Minister Phan Van Khai to expand consular districts for all nations with consular establishments in Vietnam beyond their host jurisdictions, which are in all cases centrally controlled municipalities. PM Khai made this expansion contingent on the agreement of every province which would be affected by the change, however. According to Dzinh, many provinces refused to be "covered" from Ho Chi Minh City, stalling the initiative.

¶6. (SBU) The DCM restated the U.S. position, i.e., U.S. consular personnel based in HCMC would notify, but not seek approval of, GVN officials for work performed in the area from Thua Thien-Hue south, as defined by the 1997 U.S. letter on that subject. The DCM applauded the MFA's apparent recognition that the GVN position, under which consular establishments of all nations in Vietnam are accredited only to a host city, is rather odd and should be changed. Dzinh volunteered that he was interested in exploring whether provinces around HCMC might agree to a province-by-province expansion of consular districts, as defined by the GVN.

¶7. (SBU) Comment: Over the past 10 years, U.S. consular officers based in HCMC have been able to carry out their duties in the vast majority of cases, despite the very clear position of the GVN (reftel). We will continue to manage this situation, but with the hope of negotiating an agreed position. We plan to use the discussion of the opening of a small consulate (APP) in Danang to

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break the logjam, carving out a small district for that post which will physically separate the area covered by the consular section in Embassy Hanoi and the southern part of the nation. In the meantime, we expect occasional protests, and will respond as in the past.

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